

SENATE NATURAL RESOURCES
ENRTHW NO. 6
DATE 1/14/11
BILL NO. SB 89

LAKE COUNTY ENVIRONMENTAL HEALTH

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January 10, 2011

Senator Debby Barrett, Chair
Senate Natural Resources Committee
Montana State Senate
P.O. Box 200500
Helena, Montana 59620-0500

RE: **LETTER OF OPPOSITION**
Senate Bill 89 – Reduce DEQ and Local Sanitation Review Times

Dear Senator Barrett, Chair, and Members of the Committee:

This letter is in opposition to Senate Bill 89 which proposes reducing the review times for state and local health authorities responsible for sanitation review under MCA 76-4 Sanitation in Subdivisions.

Background

Lake County is contracted with the Montana Department of Environmental Quality (MDEQ) to conduct sanitation in subdivision application reviews. The environmental health department consists of three registered sanitarians, one environmental health technician, and one administration assistant. We have one registered sanitarian position that is vacant and will not be filled until the economy and our department fee revenues substantially improve.

I am currently the only MDEQ-certified subdivision reviewer for Lake County. In the past three years, we have received about 45 applications per year. The number of applications is important, but one must also understand that the majority of the applications are submitted incomplete and require multiple reviews when additional information is submitted. The amount of time I spend conducting sanitation reviews is substantial and far beyond what is compensated by the application fee.

Basis of Opposition:

1. The current review time allows for managing of public health priorities.

Local environmental health departments are part of the public health system. This means that our daily priorities are driven by a variety of things including subdivision review, septic system permitting, food service establishment inspections, trailer park and campground inspections, public water system inspections, public accommodation inspections, complaints, and an endless variety of environmental health questions and concerns. The proposed shorter review period does not recognize the broad responsibilities a department manages on a daily basis. It is unreasonable that those with sanitation in subdivision applications should have top priority over other public health responsibilities.

While it can be difficult to meet the current 50-day review period, I routinely work evenings and weekends to do so. This allows me to juggle the various priorities that come with being director of an environmental health department.

2. The current review time allows for managing staffing needs.

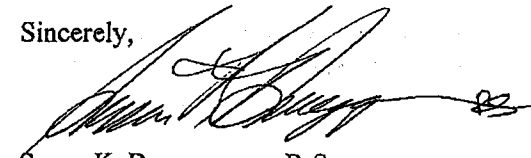
A shorter review period does not recognize that local health department staff time is impacted by turnover, training, illness, and vacation time. Even larger departments may have only a small number of staff who are certified sanitation in subdivision reviewers. In smaller counties, perhaps only one person is certified and they are most likely responsible for a wide variety of public health programs.

3. The best way to expedite sanitation in subdivision review time is with the submission of complete applications. Environmental consultants serve their clients well when they prepare applications that are meticulously complete. This eliminates the need for the reviewer to request additional information, thus shortening the total review period. It is surprising that, even though MDEQ has provided a completeness checklist, most applications come to the reviewer incomplete.

4. The current review time for MDEQ is reasonable. I find MDEQ Subdivision Section to be prompt with their reviews. Because the section funding is based solely on fees, their staff numbers have been drastically reduced with the downturn in property development. The staff still has broad responsibilities beyond sanitation review that include revising regulations, training, and responding to questions by county staff and environmental consultants. The current review time allows the reduced MDEQ staff to be as responsive as possible to the needs of the public and also conduct the mandatory sanitation reviews. I applaud the MDEQ subdivision review section for their ability to meet the various demands with reduced staff.

Thank you for your consideration of my comments urging a NO vote on Senate Bill 89.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan K. Brueggeman', with a stylized flourish at the end.

Susan K. Brueggeman, R.S.
Director